

## Requiring certain counties to call local-option elections on the sale of alcohol

SB 1246 by Brimer (Woolley)

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**DIGEST:** SB 1246 would have required elections on legalizing mixed beverage sales in certain counties. An election would have been required in a county with a population of more than 1.4 million or an adjacent county with a population of at least 300,000 if the sale of mixed beverages was not legal in part or all of the county. The bill also would have applied to Beaumont and Port Arthur. An election on “the legal sale of mixed beverages in restaurants by food and beverage certificate holders only” would have been required during the first uniform election after September 1, 2005. An election would not have authorized a sexually oriented business to obtain a license or permit to sell mixed beverages or any alcoholic beverage of any type.

**GOVERNOR'S  
REASON FOR  
VETO:**

“Senate Bill No. 1246 would require certain counties and cities that do not currently allow mixed drink sales in restaurants to hold elections to legalize such sales. This is a major departure from the state’s long-time policy of allowing local residents to decide for themselves if they want a liquor election by filing a petition calling for one, rather than having the legislature dictate that an election be held.

“Under our traditional system, residents have the option of petitioning for an election if they want one or to refrain from petitioning if they are satisfied with their local wet or dry status. This bill requires every city or county which meets certain population criteria and which currently does not allow restaurants to sell mixed beverages to hold an election for the legalization of mixed drink sales in restaurants without a petition. This would deprive residents of areas affected by the bill of one of the two protections enjoyed by all other counties to ensure that their wishes for their neighborhood are respected.

“This bill would also affect counties which are not currently large enough to be covered by the bill, but which pass the bill’s population limits in the future, since it requires an election as soon as the city or county passes the population threshold.

“Our current system allows local residents to decide if they want a liquor election. The dual process of petition and election is the best way to ensure that Texans can continue to be in charge of the destiny of their neighborhoods. We should not take this important tool of local control away from them.”

**RESPONSE:** Sen. Kim Brimer, the bill’s author, said: “Under current law, local option elections under the Alcoholic Beverage Code are placed on the ballot by means of petition. The minimum petition requires a number of signatures equal to 35 percent of the voters who voted in the most recent gubernatorial election, gathered within 60 days.

“Due to the petition requirements, it is virtually impossible to call an election in a populous area. Dallas County, for example, would require the collection of 155,989 signatures in 60 days.

“SB 1246 would have provided the voters in a metropolitan area with the opportunity to vote on allowing mixed beverage sales in restaurants. This legislation would have had no impact on the sale of alcohol in bars, liquor stores or by other retailers.

“Finally, the issue would have to be voted on during the next election held by the county, so local governments would incur no additional cost. I am disappointed that voters in these metropolitan areas will be denied an opportunity to vote on this issue.”

Rep. Beverly Woolley, the House sponsor, had no comment.

NOTES: SB 1246 was analyzed in the May 20 *Daily Floor Report*.